Property development exactions.

Sponsored by: Representative(s) HDraft

A BILL

for

1 AN ACT relating to city, county, state and local powers; providing limitations on the imposition of mitigation or exaction fees imposed by governmental entities; providing exemptions; providing definitions; providing conforming amendments; specifying applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 16-13-101 and 16-13-102 are created to read:

CHAPTER 13 - LAND USE REGULATIONS
ARTICLE 1 - LIMITS ON EXTRACTIONS AND MITIGATION FEES


(a) As used in this act:

(i) “Structure built for agricultural purposes” means a structure whose primary purpose is to support the following agricultural activities:

(A) Cultivation of the soil for production of crops;

(B) Production of timber products or grasses for forage;

(C) Rearing, feeding, grazing or management of livestock.

(ii) “Land use permitting authority” means the governing bodies of all cities and towns and counties, any special district, planning commission, zoning commission or
other entity of state or local government which issues land use permits.

(iii) “Land use permit” means any permit issued by a land use permitting authority which is required by state law, local ordinance or rule to be obtained before:

(A) Land can be subdivided for residential or commercial development;

(B) A structure can be built, renovated or an addition built onto the structure.

(iv) "Mitigation or exaction fees" means fees charged by a land use permitting authority as a condition of receiving a land use permit which bear no reasonable relationship to the costs of providing services to the proposed development or mitigating a direct negative impact of the proposed development, but which is intended to address issues in a city, town or county primarily external to the proposed development. A mitigation or exaction fee may be imposed as a fee in a dollar amount to be paid by
the developer or take the form of a required concession from the developer or landowner;

(v) “Proposed commercial purpose” means any structure whose primary purpose is not residential or agricultural;

(vi) “Proposed residential development” means any structure intended primarily for human habitation;


16-13-102. Limits on imposition of extractions and mitigation fees on specified proposed property development.

(a) A land use permitting authority shall not require as a condition for the issuance of a land use permit for a proposed residential development the imposition of a mitigation or exaction fee for any structure intended to serve primarily as single-family residential dwelling that do not exceed four thousand (4,000) in the proposed development.
(b) A land use permitting authority may require as a condition for the issuance of a land use permit for a proposed residential development the imposition of a mitigation or exaction fee not to exceed fifty dollars ($50.00) per square foot for any structure intended to serve primarily as single-family residential dwelling that exceed four thousand (4,000) in the proposed development.

(c) A land use permitting authority shall not require as a condition for the issuance of a land use permit for a proposed residential development the imposition of a mitigation or exaction fee for any structure intended to serve primarily as a multi-family residential dwelling that does not exceed two thousand five hundred (2,500) total square feet for any single unit within a multi-family residential dwelling in the proposed development.

(d) A land use permitting authority may require as a condition for the issuance of a land use permit for a proposed residential development the imposition of a mitigation or exaction fee not to exceed fifty dollars ($50.00) per square foot for any structure intended to
serve primarily as a multi-family residential dwelling that exceeds two thousand five hundred (2,500) total square feet for any single unit within a multi-family residential dwelling in the proposed development.

(e) A land use permitting authority shall not require as a condition for the issuance of a land use permit for a proposed commercial development the imposition of an extraction or a mitigation fee for any structure intended to serve a primarily commercial purpose that do not exceed five thousand (5,000) total square feet for all structures within the proposed development.

(f) A land use permitting authority may require as a condition for the issuance of a land use permit for a proposed commercial development the imposition of an extraction or a mitigation fee not to exceed thirty-five dollars ($35.00) per square foot in total for any structure intended to serve a primarily commercial purpose that exceed five thousand (5,000) total square feet within the proposed development.
(e) A land use permitting authority shall not impose any mitigation or exaction fee on any structure built for agricultural purposes.

[STAFF COMMENT: All building square footage amounts and extraction or mitigation fee amounts are placeholders awaiting the Task Force’s final determination.]

Section 2. W.S. 15-1-103(a) by creating a paragraph (l) and W.S. 18-2-101(a) by creating a paragraph (ix) are amended to read:

15-1-103. General powers of governing bodies.

(a) The governing bodies of all cities and towns may:

(l) Impose mitigation or exaction fees only to the extent authorized by W.S. 16-13-102.


(a) Each organized county in the state is a body corporate and politic. The powers of the county shall be exercised by a board of county commissioners which may:
(ix) Impose mitigation or exaction fees only to the extent authorized by W.S. 16-13-102.

Section 3. This act shall apply to all permits approved for proposed residential or commercial development on or after July 1, 2024.

Section 4. This act is effective July 1, 2024.